

Serial No.: 10/057,131

REMARKS

In the Supplemental Notice of Allowability dated May 24, 2010, the Examiner stated that new corrected drawings are required in the application because the figures on pages 3, 5 and 7 of the specification do not come within the exception of 37 CFR 1.58(a). Accordingly, the Examiner requested that applicant furnish new drawings and edit the specification appropriately.

In a response dated May 28, 2010 (USPTO recorded date of June 1, 2010), Applicant amended the specification and submitted a revised specification, in which text from page 1, line 11 to page 8, line 1 of the original specification (including the drawings on pages 3, 5 and 7) has been deleted.

However, in a Response to Rule 312 Communication dated August 9, 2010, the Examiner stated that the amendment filed June 1, 2010, has been disapproved. In particular, the Examiner stated “[a]lthough the proposed changes to the specification rectify the existing figures/table problem with the specification, applicant has also filed claims that are not the claims that were determined to be allowable over the prior art of record (i.e., the proposed amendment changes the allowed claim scope).”

In response, Applicant submits that the filing of the amended specification was not intended to change the claims from the form in which they had been allowed. Instead, Applicant merely intended to submit a complete copy of the original specification, to show the changes made from and relative to that original version. Since the complete copy of the original specification included the original claims, those original claims were also included in the amended specification (but only to show what new changes were being made by the May 28, 2010, amendment relative to the original specification). Accordingly, it was not Applicant’s intention to replace the allowed claims with the original claims. Instead, Applicant intended to show what new changes to the specification were being made, relative to the complete original specification.

To address the Response to Rule 312 Communication, Applicant re-submits the documents submitted on May 28, 2010, but without the claims of the original specification.

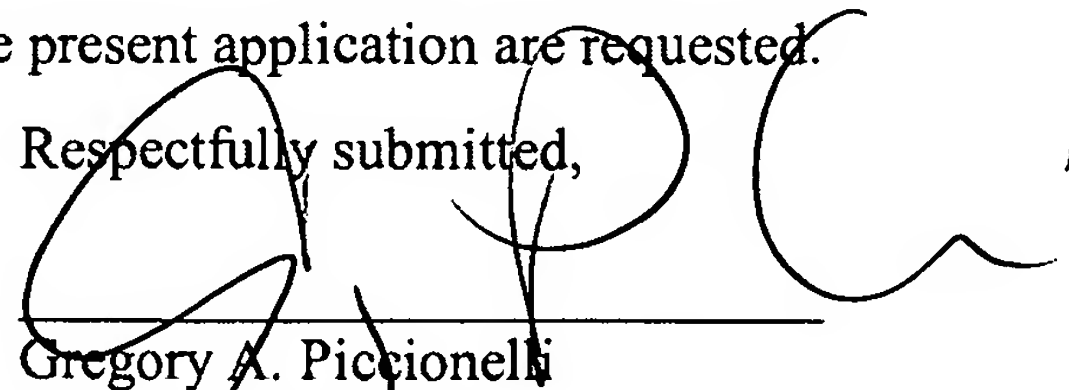
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Accordingly, submitted herewith is a marked-up copy of the original specification (without the original claims), where markings show changes being made by the present amendment. Also submitted herewith is a clean copy of the amended specification (without claims). The claims that are presently pending in the application are claims identified as being allowed in the Notice of Allowance dated November 4, 2009 (i.e., claims 22-26 in the Amendment dated October 1, 2009).

It is submitted that the portions of the specification deleted by the present amendment describe only background information that is not necessary for support of the claimed invention. The amendment made herein obviates the need for additional drawings and further amendments to the specification, while also addressing the matters raised in the Supplemental Notice of Allowability. As a result, the drawings previously submitted on January 21, 2010, are believed to be in compliance with all rules and statutes relating thereto.

As the present amendment adds no new matter to the specification and addresses the matters raised in the Supplemental Notice of Allowability, entry of the present amendment to the application and issuance of a patent from the present application are requested.

Respectfully submitted,



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